

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-051443

12/08/2008

HON. PAUL A KATZ

CLERK OF THE COURT
L. Slaughter
Deputy

IN RE THE MARRIAGE OF
ANN MARIE SEWELL-SIMS

DEEAN GILLESPIE

AND

GREGORY M SIMS

GERALD D SHERRILL

RICHARD C UNDERWOOD

MINUTE ENTRY

Prior to commencement of today's Trial, Respondent's exhibits 1 through 8 and Petitioner's exhibits 9 through 13 are marked for identification.

Courtroom 111-NE

1:33 p.m. This is the time set for Trial. Petitioner/Mother, Ann Marie Sewell-Sims, is present with above-named counsel, DeeAn Gillespie. Respondent/Father, Gregory M. Sims, is present with above-named counsel, Gerald Sherrill.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Preliminary matters are discussed.

Ann Marie Sewell-Sims and Gregory Sims are sworn.

Ann Marie Sewell-Sims testifies and provides jurisdictional testimony.

Respondent's exhibits 1 and 3 are received in evidence.

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2:55 p.m. Court stands at recess.

3:06 p.m. Court reconvenes with the parties and respective counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Gregory Sims, who was previously sworn, testifies.

Respondent's exhibits 2, 6 and 7 are received in evidence.

Petitioner's exhibit 13 is received in evidence.

IT IS ORDERED that neither party shall drive or be under the influence of alcohol, prescription, non-prescription, or illegal drugs, during parenting time with the minor child.

Closing statements are made.

IT IS FURTHER ORDERED that from now through January 31, 2009, Father will be entitled to parenting time with the minor child from Monday after school, if it's a school day, or when Mother leaves for work, through Thursday morning at which time Father shall deliver the minor child to school. Father shall also be entitled to parenting time with the minor child on the 3rd and 5th (if any) weekend.

IT IS FURTHER ORDERED that if Father can verify his employment hours, prior to the end of 2008, then February 1, the parties will go with a week one, week off parenting time schedule.

IT IS FURTHER ORDERED that Mother shall continue to provide medical insurance for the benefit of the parties' child.

Unless the parties otherwise agree,

IT IS FURTHER ORDERED that the receiving parent shall pick the minor child up or make arrangements for the pick up of the minor child.

IT IS FURTHER ORDERED adopting the Court's standard holiday schedule, as modified. Said schedule is provided to the parties in open Court. The parties may deviate from the schedule, upon written agreement.

If the parties are unable to agree on the division of personal property,

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IT IS ORDERED that they shall meet and confer with counsel, listing all items, and alternatively selecting one item at a time, with Petitioner selecting first.

IT IS FURTHER ORDERED that the parties shall attempt to agree on a Special Commissioner. If the parties are unable to agree, the parties shall submit to the Court a list of four (4) names to be considered for such appointment. Each party shall place two (2) names on the list, without specifying who is submitting each name. The parties shall submit the list on or before December 15, 2008.

IT IS FURTHER ORDERED appointing Richard Underwood as special counsel for preparation of a QDRO regarding Wife's 401(k) account provided by her employer, Southwest Airlines.

IT IS FURTHER ORDERED that Wife shall provide to Mr. Underwood all the documents and records that are in her possession regarding the aforementioned 401(k) account.

IT IS FURTHER ORDERED that the minor child shall continue enrolled in his current school. If one of the parties wants to change the minor child's school, they need to let the other parent know by April 30, of the school year and if the parties are unable to agree they shall seek mediation prior to coming to this Court.

IT IS FURTHER ORDERED that counsel for the parties shall promptly meet and confer in an attempt to prepare a form of decree consistent with this Court's ruling, approved as to form and content by the parties, to be lodged with the Court on or before January 9, 2009. The parties, by approving the decree as to form and content, shall not be deemed to have waived any rights that they may have for reconsideration, a new trial or appeal. In the event that the parties are unable to agree as to the form of the decree, Respondent's counsel shall be responsible for lodging a proposed form of decree on the date set forth above, hand delivering, telefaxing or emailing a copy thereof to respondent's counsel on the date it is lodged with this Court. Petitioner's counsel shall then have until January 16, 2009, to file any objections to the form of the decree. Any such objections shall be limited to the failure of the proposed form of decree to conform to the Findings of Fact and Conclusions of Law as set forth herein and shall not be used as a means of rehearing or reconsideration.

3:06 p.m. Hearing concludes.

LATER:

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In light of the fact that the parents have equal parenting time and equal income, the child support necessary to reimburse Mother for health insurance is nominal. Accordingly, the parties stipulate to a waiver/deviation from the nominal amount.

IT IS THEREFORE ORDERED no child support shall be ordered at this time.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee. Counsel/party shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.